

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GLEN JACKMAN,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING REQUEST FOR
RECOMMENDATION

Case No. 2:11-CR-852 TS

This matter is before the Court for consideration of a letter written by Defendant requesting a recommendation that he be allowed extended time in a halfway house.

I. BACKGROUND

On October 5, 2011, Defendant was charged with being a felon in possession of a firearm. Defendant pleaded guilty on January 5, 2012, and on June 6, 2012, was sentenced to a term of 33 months imprisonment.

II. DISCUSSION

Defendant requests that the Court recommend he participate in the Second Chance Act by allowing him extended placement in a halfway house.

18 U.S.C. § 3624(c)(1) provides:

The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.¹

As the language of the statute indicates it is the Bureau of Prisons (“BOP”), not the Court, that determines whether a particular prisoner shall be placed in a community correctional facility. If the BOP reaches a decision that is unfavorable to Defendant, this request is not the proper vehicle for relief. Rather, a petition under 28 U.S.C. § 2241 is the proper procedure to challenge a decision by the BOP in connection with the Second Chance Act.² Defendant is reminded that he must exhaust his administrative remedies before filing a § 2241 petition. As a result, the Court must deny Defendant’s request without prejudice to it being filed as a § 2241 petition in the district in which he is confined.

III. CONCLUSION

It is therefore

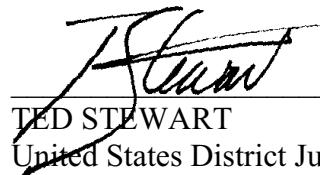
ORDERED that Defendant’s Request for Recommendation (Docket No. 41) is DENIED WITHOUT PREJUDICE.

¹18 U.S.C. § 3624(c)(1).

²See *United States v. Clark*, 2011 WL 743090, at * 2 (W.D. Pa. Feb. 24, 2011).

DATED August 9, 2013.

BY THE COURT:



TED STEWART
United States District Judge